



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/528,655

09/22/2005

Ken Mashitani

070591-0025

7023

20277 7590 06/09/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

VIEAUX, GARY C

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

06/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,655	Applicant(s) MASHITANI ET AL.	
	Examiner Gary C. Vieaux	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☒ Claim(s) 8 and 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action in response to application 10/528,655 filed on March 22, 2005.

5

Election/Restrictions

Applicant's election without traverse of Species V, claims 5-8 and 13-16, in the reply filed on May 1, 2008, is acknowledged.

Claim Objections

10

Claims 8 and 13-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 8 and 13-16, and any claims dependent therefrom, have not been further treated on the merits.

15

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 2001-235534 to Yanagihara (employing citations from

the Applicant provided machine translation that was included in IDS submission dated March 22, 2005), in view of U.S. Patent No. 7,039,630 to Shimazu.

Regarding claim 5, Yanagihara teaches an apparatus, comprising camera means for obtaining image data (CCD camera 5; ¶0033), means for generating data on the basis of said image data (¶0033-0038), means for carrying out an approximate measuring of location information (GPS7; ¶0033), and means for obtaining detailed location information (personal digital assistant 6; ¶0033) on the basis of a correspondence between data of a present location obtained by said approximate measuring and data formed by image data (¶0033-0038), and presenting the information to a user (display 21; ¶0035-0038). However, although Yanagihara is found to teach three-dimensional location measuring, Yanagihara is not found to teach stereoscopic camera means or three-dimensional data resulting therefrom.

Nevertheless, Shimazu, in addition to also generating three-dimensional map data with corresponding image data (fig. 4), provides an example of generating three-dimensional data (figs. 1 and 2; col. 3, lines 37-62) from stereoscopic camera means (fig. 5; col. 3, lines 5-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the stereoscopic camera means and three-dimensional data as taught by Shimazu with the apparatus as taught by Yanagihara in order to present the data/information in manner more consistent with the user's actual visual environment (3-D), which would enhance a user's ability to orient themselves if lost, as well as present a user with additional information of their surroundings (other views).

Regarding claim 6, Yanagihara, in view of Shimazu, teaches all of the limitations of claim 6 (see the 103(a) rejection to claim 5 supra) including teaching an apparatus wherein the approximate measuring of said location information is performed by a GPS ('534 – GPS7; ¶0033).

5 Regarding claim 7, Yanagihara, in view of Shimazu, teaches all of the limitations of claim 7 (see the 103(a) rejection to claims 5 or 6 supra) including teaching an apparatus wherein the three-dimensional data based on said plurality of image data for the stereoscopic vision is transmitted to a data processing center via a communication network, and the detailed location information calculated by the data processing center
10 is obtained by a communication ('534 – fig. 3, ¶0035, in which the data processing center and the communication network are broadly interpreted to be the amended data operation part 18 that receives the image data, and the communication network being the connections, buses, etc. that connect the sections, the imaging means, etc. because the claim, as currently written neither requires the data processing center to be separate
15 from the apparatus, nor is the network defined by the claim).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20 Alexander, Jr. (U.S. Patent No. 6,083,353) teaches a handheld digital geographic data manager employing GPS and stereoscopic cameras.

Otsaku et al. (U.S. Patent No. 7,197,295) teaches a portable communication device for determining location based on GPS coordinates and image data.

Shragai et al. (U.S. Patent Publication No. 2006/0239537) teaches a system utilizing stereoscopic images that are associated by GPS coordinates.

Contact

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10

/David L. Ometz/
Supervisory Patent Examiner, Art
Unit 2622

Gcv2